

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TEAM RUBICON GLOBAL, LTD., a Delaware
Corporation

Plaintiff,

v.

TEAM RUBICON, INC., a Minnesota Corporation

Defendant,

TEAM RUBICON, INC., a Minnesota Corporation

Counterclaim Plaintiff,

v.

TEAM RUBICON GLOBAL, LTD., a Delaware
Corporation

Counterclaim Defendant.

Civ. No. 20-cv-2537 (LTS) (KNF)

DECLARATION OF SHANTAL MERCHAIN

Shantal Merchain, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am over the age of 18 years old, and reside in Los Angeles, CA. I currently work as a Manager, Human Resource Operations in Team Rubicon's Human Resources department, otherwise known as "People Operations." I submit this declaration in connection with Defendant and Counterclaim-Plaintiff Team Rubicon's Motion for Preliminary Injunction. I have personal knowledge of the facts set forth in this declaration and am competent to testify to such facts if called as a witness.

2. I have served in my position as Manager at Team Rubicon for two years and three months and I was a member of the team that investigated the August 2019 sexual harassment allegations made by Ms. DeMeda.

3. Prior to my employment at Team Rubicon, I worked as a Human Resources Manager for five years at Target Corporation, where I focused on employment relations and investigations. During my time at Target Corporation, I estimate I investigated over fifteen allegations of sexual harassment in the workplace.

4. Over the course of my employment with Team Rubicon, I have conducted six investigations concerning inappropriate workplace behavior involving employees. Though the investigations into the allegations made by Ms. DeMeda were my first experience with sexual harassment involving staff members of a Team Rubicon entity, I support Team Rubicon's Volunteer Management Team in their investigations of allegations of sexual harassment among volunteers and participated in three such investigations in that capacity. I also manage Team Rubicon's Harassment Prevention Program, which includes policy development, training, awareness, and compliance. As a result, I am fully familiar with Team Rubicon's policies and procedures related to the reporting, investigating, and addressing of complaints concerning sexual harassment and inappropriate workplace behavior. Team Rubicon's consistent enforcement of its policies has contributed to its continued recognition on The NonProfit Times' Best Nonprofits To Work For study. A true and correct copy of the most recent such study published by The NonProfit Times, dated April 2, 2020 is attached hereto as Exhibit A.

5. A true and correct copy of Team Rubicon's Employee Handbook, titled "the Employee House Rules," is attached hereto as Exhibit B. The handbook sets forth Team Rubicon's policies on sexual harassment and other inappropriate workplace conduct. It is Team

Rubicon's policy that any individual who "experience(s) or witness(es) sexual or other unlawful harassment in the work place [is] **required** to report it immediately to [a] supervisor or People Operations" and is encouraged to submit a formal complaint about such conduct, in order to protect the safety and wellbeing of Team Rubicon's staff and volunteers.

6. Further, it is Team Rubicon's policy that additional communications surrounding the complaint "will be made to others only on a limited 'need to know' basis." It is my understanding that this policy was implemented to protect any individual(s) that submit a formal complaint from unwarranted and repeated questioning, so as to not create any shame, confusion, coercion, or trauma. Based on my experience, this is a standard and common-sense Human Resources policy.

7. As a result of the above policies, it was important for Team Rubicon to protect Ms. DeMeda from additional communications surrounding her complaint. Since none of the information received by our investigatory team was conflicting or inconsistent, there was no need for anyone to obtain an additional statement of Ms. DeMeda or to contact her regarding the allegations.

8. Attached hereto as Exhibit C is a true and correct copy of the final report released by our investigatory team with regard to the allegations against the CEO of Team Rubicon-United Kingdom, dated August 23, 2019.

9. Attached hereto as Exhibit D is a true and correct copy of the final report released by our investigatory team with regard to the allegations against the CEO of Team Rubicon-Australia, dated August 23, 2019.

10. As shown on the cover page of both documents, these reports were immediately circulated to both the CEO and Chairman of the Board of TR-Canada, which Team Rubicon expected would convey the results of the investigation to Ms. DeMeda.

11. All of the allegations made by Ms. DeMeda were deemed credible.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 14 day of May 2020 in Los Angeles, CA.



Shantal Merchain
Human Resources Representative
Team Rubicon, Inc.